

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Form 7. Mediation Questionnaire

Instructions for this form: <http://www.ca9.uscourts.gov/forms/form07instructions.pdf>

9th Cir. Case Number(s) 19-17423

Case Name Rebekah Charleston, et al v. State of Nevada, et al

Counsel submitting this form Jason D. Guinasso, Esq.

Represented party/parties Rebekah Charleston and Angela Delgado-Williams, Appellants

Briefly describe the dispute that gave rise to this lawsuit.

This case was brought by Plaintiffs/Appellants who have been profoundly harmed by sexual violence as victims of sex trafficking in Nevada through Nevada's legal and illegal sex trade. The underlying Amended Complaint sought an order declaring Nev. Rev. Stat. 201.354(1), Nev. Rev. Stat. 244.345(8), and the ordinances of Elko, Lander, Lyon, Mineral, Nye, Storey, and White Pine Counties, licensing brothels unconstitutional, null, and void as preempted by federal law; and, a preliminary and permanent injunction be issued prohibiting the State of Nevada and all of its political subdivisions from continuing to implement, enforce, or put into force and effect Nev. Rev. Stat. 201.354(1) and Nev. Rev. Stat. 244.345(8). The Amended Complaint specifically argued, "The State's creation of an intrastate commercialized prostitution market exerts a substantial economic effect, namely, the creation of an interstate and foreign prostitution market; therefore, Nevada's legal brothels, operating under Nev. Rev. Stat. 201.354(1) and Nev. Rev. Stat. 244.345(8), are in violation of and direct conflict with U.S.C. 18 § 2422(a) (2018)."

Additionally, the law suit also requested an order for the State to create and fund a "Nevada Sex Trade Exit Fund" to provide mental health services, rent assistance, job training, scholarships, and funding for medical treatments for women prostituted through Nevada's legal brothels.

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Briefly describe the result below and the main issues on appeal.

On October 29, 2019, the District Court entered an Order granting Defendants' motions to dismiss (ECF No.s. 22,31), because the Court found: 1)Plaintiffs/Appellants failed to establish standing to confer jurisdiction upon the US District Court; 2) the suit was barred by Plaintiffs/Appellants' additional failure to establish the requisite causation; and 3) Plaintiffs/Appellants failed to show redressability. That is, the facts Plaintiffs/Appellants alleged did not demonstrate a likelihood that the primary relief Plaintiffs/Appellants requested - declaratory and injunctive concerning legal prostitution in Nevada - would address the alleged injury as a result of being illegally forced into prostitution and being sex trafficked.

The main issues on appeal:

- 1) Did the District Court dismiss this case in error related to injury in fact and redressability, since none of the Plaintiffs could have brought this action during the time they were residents of Nevada and victims of Nevada's legalized and illegal prostitution market, when they were at risk of "real harm," and the relief sought could have redressed the injuries caused by Nevada's creation of an interstate and foreign prostitution market under Nev. Rev. Stat. 201.354(1) and Nev. Rev. Stat. 244.345(8), in violation of and direct conflict with U.S.C. 18 § 2422(a) (2018).
- 2)Did the District Court err in failing to acknowledge traceability in regard to Charleston in that Charleston was ONLY trafficked in the State of Nevada.

Describe any proceedings remaining below or any related proceedings in other tribunals.

N/A

Signature s/Jason D. Guinasso

Date 12/9/2019

(use "s/[typed name]" to sign electronically-filed documents)

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Form 15. Certificate of Service for Electronic Filing

Instructions for this form: <http://www.ca9.uscourts.gov/forms/form15instructions.pdf>

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I hereby certify that I electronically filed the foregoing/attached document(s) on this date with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit using the Appellate Electronic Filing system.

Service on Case Participants Who Are Registered for Electronic Filing:

I certify that I served the foregoing/attached document(s) via email to all registered case participants on this date because it is a sealed filing or is
☐ submitted as an original petition or other original proceeding and therefore cannot be served via the Appellate Electronic Filing system.

Service on Case Participants Who Are NOT Registered for Electronic Filing:

I certify that I served the foregoing/attached document(s) on this date by hand delivery, mail, third party commercial carrier for delivery within 3 calendar
☒ days, or, having obtained prior consent, by email to the following unregistered case participants (*list each name and mailing/email address*):

Russell Greer
6337 South Highland Drive, #209
Holladay, Utah 84121

Description of Document(s) (*required for all documents*):

Form 7. Mediation Questionnaire

Signature /Bernadette Francis

Date 12/9/2019

(use "s/[typed name]" to sign electronically-filed documents)

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